

STATEMENT OF PURPOSE

RS19464

"Any willing provider" ("AWP") provisions have existed in the Idaho Code since 1994. These statutes were implemented to ensure all duly licensed providers of health care had equal and open access to requisite contracts with insurance companies. AWP laws have successfully provided patients the ability to seek the best care at a provider of their choosing, and to promote community access to health care. Also, AWP provisions ensure physicians, hospitals, and other health care providers are not arbitrarily excluded from insurance contracts and provider networks that are critical to a health care provider's financial viability.

AWP laws simply state that if a health care provider is duly licensed and qualified under Idaho state law, practices within the area served by an insurance provider network or organization, desires to become a participant in an insurance network or organization, and is willing to negotiate in good faith with the insurance providers in the network or organization, that provider cannot be excluded from participating.

This legislation primarily affects the relationship between health care providers and insurance companies, and does not impact or limit the rights of self-insured employers who are subject to federal ERISA regulations.

In short, AWP laws ensure that health care markets remain open and provide equal access to each licensed and willing provider who wants to participate. Unfortunately, Idaho law contains an unanticipated loophole that is allowing "private" organizations to circumvent the AWP law. The loophole is currently granting organizations the ability to arbitrarily exclude willing providers and prevent providers from participating in provider networks and key insurance contracts. This legislation simply clarifies and restores the intent of the AWP laws.

FISCAL NOTE

There is no fiscal impact to the General Fund.

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